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February 1, 2012

MEMORANDUM

RECEIVED
CITY CLERK
C & C OF HONOLULU
2012 FEB -2 AM 10:59

TO: CYNTHIA NAKAZAKI, COMMITTEE CLERK
COMMITTEE ON ZONING AND PLANNING

FROM: COUNCILMEMBER TOM BERG, CHAIR *TB*
COMMITTEE ON PARKS AND CULTURAL AFFAIRS

SUBJECT: PROPOSED AMENDMENTS TO BILL 50 CD1 (2011),
EXHIBIT A, WAI'ANAE SUSTAINABLE COMMUNITIES PLAN (WSCP)

REMOVAL AND DELETION OF THE INDUSTRIAL DESIGNATION (PURPLE
SPOT) IN LUALUALEI VALLEY

In response to our constituents' concerns about preserving the agricultural and rural nature of the Wai'anae Coast, we would like to propose the following amendment to the Wai'anae Sustainable Community Plan pursuant to Council Communication No. 199 (CC 199).

Transmitted herein for consideration by your Committee on Zoning and Planning are five sets of forms proposing amendments to Bill 50 CD1 (2011) and the attached revised Wai'anae Sustainable Communities Plan.

Pursuant to CC 199, please number this communication and hyperlink it as a related communication on the agenda when the committee considers Bill 50 (2011) CD1.

Enclosures: Amendment worksheet and proposals (five sets).

DP AMENDMENT WORKSHEET

DATE: 2/1/12

BILL 50 (2011), CD1

PROPOSER	BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	AMENDMENT SUBJECT
BERG	PLAN	2.3.9 ("Develop and support community-based businesses")	Delete language relating to the creation of a light industrial park in Lualualei Valley.
BERG	PLAN	3.9.2.5 ("Encourage Light Industrial Businesses")	Delete language for an industrial site in Lualualei Valley.
BERG	PLAN	3.9.4 ("Relation to Land Use Map")	Delete language pertaining to Lualualei Valley.
BERG	PLAN	Appendix ("Community Growth Boundary")	Delete language pertaining to "industrial" lands in Lualualei Valley.
BERG	PLAN	A.1.6 ("Industrial")	Miscellaneous technical, clerical, grammatical, and nonsubstantive amendments. Delete language pertaining to industrial area in Lualualei Valley.
BERG	PLAN	Exhibit A-1 ("Land Use Map")	Remove industrial region in the mauka area between Ma'ili/Lualualei and Nanakuli (i.e., "purple/lavender spot").
BERG	PLAN	Exhibit A-2 ("Open Space Map")	Delete Rural Community use boundary designation in the Lualualei Valley area between Ma'ili/Lualualei and Nanakuli (i.e., yellow spot).
BERG	PLAN	Exhibit A-3 ("Public Facilities Map")	Delete Rural Community use boundary designation in the Lualualei Valley area between Ma'ili/Lualualei and Nanakuli (i.e., yellow spot).

PROPOSER	BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	AMENDMENT SUBJECT

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	2.3.9 ("Develop and support community-based businesses")	2-15	Delete language relating to the creation of a light industrial park in Lualualei Valley.
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Waiānae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waiānae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waiānae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			
DESCRIPTION OF AMENDMENT			

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Amend fourth paragraph to read:

Other economic opportunities discussed include expansion of retail and commercial centers in the four major <i>ahupua'a</i> [and the creation of a light industrial park in Lualualei.]. Similar to the other sectors, it is recommended that locally-owned businesses be given priority, and that they hire residents as much as possible.

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	3.9.2.5 ("Encourage Light Industrial Businesses")	3-37	Delete language pertaining to light industrial use in Lualualei Valley
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waianae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waianae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			
DESCRIPTION OF AMENDMENT			

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Amend first paragraph to read:

Encourage the establishment of light industrial businesses that provide jobs for local people, and that are generally compatible with the predominantly residential uses of the Rural Residential areas along the coast, but not in Makaha Valley. Light industrial uses should be allowed only in the existing Industrial areas in Wai 'anae [and Lualualei Valley,] as shown on the Land Use Map (Exhibit A-1).

Delete the second paragraph:

[The Industrial site in Lualualei Valley is intended for light industrial uses that are not noxious or socially objectionable in nature. Light industrial lots at this location should be affordably priced for Wai 'anae businesses, and include vocational training and other facilities that will benefit the Wai 'anae community.]

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	3.9.4 ("Relation to Land Use Map")	3-38	Delete language pertaining to Lualualei Valley
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Waiānae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waiānae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waiānae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			
DESCRIPTION OF AMENDMENT			
<p>Delete last sentence of the paragraph: [The other is in Lualualei Valley.]</p>			

DESCRIPTION OF AMENDMENT

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Appendix ("1. Community Growth Boundary")	A-2	Delete language pertaining to "industrial" lands in Lualualei Valley.
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waianae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waianae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			
DESCRIPTION OF AMENDMENT			

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Amend second paragraph to read:

In the Wai 'anae District, the Community Growth Boundary is defined by a line that has been drawn to delineate and contain the Farrington Highway development corridor. This line, although conceptual in nature, has been drawn and should be interpreted such that the midsection of the line more or less coincides with the limits of lands that are zoned, as of 2009, R-5 and R-10, as well as existing scattered zoned commercial and industrial sites and the major residential developments of the Department of Hawaiian Home Lands in Nanakuli. The intent of this line is to identify existing urban/suburban areas, allow for infill residential and commercial development on undeveloped parcels within this boundary, and clearly define the limits of urban/suburban development. Thus, no new urban/suburban development shall be allowed *mauka* of this Community Growth Boundary line, except for already residentially zoned lands in Makaha Valley, [and "Industrial" lands in Lualualei Valley.] Lands *mauka* of this line are designated "Agriculture" and "Preservation." Continued small-scale agricultural uses of small farm lots within the Community Growth Boundary should be encouraged.

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	A. 1.6 ("Industrial")	A-6	Delete language pertaining to industrial area in Lualualei Valley, and make miscellaneous technical, clerical, grammatical, and nonsubstantial amendments.
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waianae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waianae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			

DESCRIPTION OF AMENDMENT

Amend first paragraph to read:

The Wai 'anae District Land Use Map includes [two] one "Industrial [areas] area. The intent of [these] this Industrial [areas] area is to provide areas for the development of non-polluting, light industrial uses that would provide employment opportunities for local people. The first such area is in the vicinity of the Wastewater Treatment Plant and Wai 'anae Mall. Some commercial uses should also be allowed in this Industrial area, to provide for an economically viable mix of uses, and also to serve as a buffer between light industrial uses and nearby residential areas. It is the intent of this Industrial use that industrial-mixed use "IMX" be allowed as compatible zoning designation.

Delete second paragraph:

[The second Industrial area is in Lualualei Valley. This site is intended for light industrial uses that are not noxious or socially objectionable in nature. Light industrial lots at this location should be affordably priced for Wai 'anae businesses, and include vocational training and other facilities that will benefit the Wai 'anae community.]

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Exhibit A-1 ("Land Use Map")	Appendix A-10	Delete Industrial use designation in the Lualualei Valley area between Ma'ili/Lualualei and Nanakuli (i.e., the purple/lavender spot).
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Wainanae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Wainanae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			

DESCRIPTION OF AMENDMENT

Amend the Land Use Map by removing the Industrial use designation in Lualualei Valley (i.e., purple/lavender spot).

DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Exhibit A-2	Appendix A-11	Delete Rural Community use boundary designation in the Lualualei Valley area between Ma'ili/Lualualei and Nanakuli (i.e., yellow spot).
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Wainanae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Wainanae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			

DESCRIPTION OF AMENDMENT

Amend the Open Space Map by removing the Rural Community Boundary use designation in Lualualei Valley (i.e., yellow spot).
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DP AMENDMENT PROPOSAL

DATE: 2/1/12

BILL 50 (2011), CD1

COUNCILMEMBER TOM BERG

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Exhibit A-3	Appendix A-12	Delete Rural Community use boundary designation in the Lualualei Valley area between Ma'ili/Lualualei and Nanakuli (i.e., yellow spot).
JUSTIFICATION FOR AMENDMENT			
<p>The State Land Use Commission is not consistent in its approvals and denials of petitioners seeking to reclassify areas zoned for a specific end use. For example, we have a request by a developer to rezone some 1,500 acres on the Ewa Plain and not one mandate, not one requisite has been placed on the petitioner by the State Land Use Commission to make improvements to that 1,500 acres outside of the area being considered for reclassification. Yet, in contrast, the petition to reclassify property zoned agriculture to light industrial - referenced as the "purple-spot" has been subjected to conditions for improvements outside the scope of the property boundaries. One petitioner is tasked to make improvements on the land, while another is tasked to make improvements off of the land being considered for a zone change.</p> <p>It is not just, nor fair play, to subject a proposal for reclassification or petitioner for a zone change with a discriminatory procedure or a policy to inflict expenses and mandates that are not consistent and equal in applicability upon applicants before the State Land Use Commission.</p> <p>Therefore, it is of a just cause and of due process, to request the light industrial park as indicated in Exhibit A-1, in the Lualualei Valley be removed from the Wainanae Sustainable Communities Plan and from such deletion, the onus, responsibility, and conviction to make improvements to Lualualei Naval Road be under the domain of the City and County of Honolulu and efforts to obtain jurisdiction of such road, be pursued regardless of the "purple-spot" being identified in the Waianae Sustainable Communities Plan.</p> <p>In conclusion, if the light industrial park were approved and included within the Waianae Sustainable Communities Plan, whereby the "purple-spot" were to remain, then government, being the federal, state, or city, would abrogate and shirk its ability to fund improvements sorely needed for the Lualualei Naval Road and place such burden on the petitioner seeking to reclassify the property. This then, would condone, and enable a dereliction of duties by government to actually fix, improve and make whole, the Lualualei Naval Road which needs attention now.</p>			

DESCRIPTION OF AMENDMENT

Amend the Public Facilities Map by removing the Rural Community Boundary use designation in Lualualei Valley (i.e., yellow spot).
